REMARKS

I. INTRODUCTION

Upon entry of the present amendment, claims 1-9 and 11-22 will be pending in the present application, with claims 5, 6 and 17-19 having been withdrawn. By the present amendment, claims 1 and 11 have been amended, and claim 10 has been cancelled without prejudice. No new matter has been added herein by the present amendment, as support thereof may be found in the current specification (referring to WO 2005/017054) at, *inter alia*, page 16, lines 5-6 and in the Examples section, pages 17-22.

In view of the foregoing amendments and the following remarks, Applicants respectfully submit that the claims are now in condition for allowance. Applicants point out that the amendments made herein are made without prejudice to the future prosecution of such cancelled, amended or modified subject matter in a related divisional, continuation or continuation-in-part application.

II. OBJECTION TO THE CLAIMS

Claims 20-22 have been objected to as being mis-labeled as "amended" claims when in fact they were "new" claims. Applicants apologize for this inadvertent error, and have herein labeled these claims as "previously presented." Thus, Applicants respectfully submit that the objection to the claims has been overcome and should therefore be withdrawn.

III. REJECTIONS UNDER 35 U.S.C. § 103

Claims 1, 4 and 9-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US 6,316,535 ("Caldwell et al.") in view of Wicks, *Organic Coatings: Science and Technology*, 1999 ("Wicks"). Claims 1, 4, 9, 11-12, 16 and 21-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US 6,669,835 ("Honnick") in view of Wicks. Claims 1-3 and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US 5,084,536 ("Brindopke et al.") in view of Wicks. Claims 11-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Caldwell et al. in view of Wicks, and further in view of US 2002/0161135 ("Berg et al."). Claims 14-15 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Honnick in view of Wicks, and further in view of US 5,039,718 ("Ashley et al."). Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Honnick in view of Wicks, and further in view of Caldwell et al. Specifically, the Examiner has contended that Wicks' alleged teaching that a catalyst for a two-component coating system may be provided as a separate third component would motivate a skilled artisan to extract the identified catalyzing compounds from the coating systems of each of Caldwell et al., Honnick, and Brindopke et al. to thereby form a sprinkleable powder phase. However, Applicants respectfully disagree with this contention, and submit that the aforementioned obviousness rejections should be withdrawn for at least the following reasons.

Applicants do not consider that a person of ordinary skill in the art would have been so motivated to derive the subject matter of claim 1, as it stood before the present amendment, from the combined teachings of Caldwell et al. and Wicks. The fillers of calcium carbonate, titanium dioxide and zinc oxide used in

Caldwell et al. (*see* Caldwell et al., col. 3, lines 10-20) are ideally provided within both components of the two-component, aqueous coating compositions (*see* Caldwell et al., col. 1, lines 57-61; col. 2, lines 42-43; Examples 1-3). In being so provided, the fillers are *wetted and well dispersed* constituents which can thus have a structural effect throughout the aqueous coating compositions when the two components are combined.

Irrespective of whether calcium carbonate, titanium dioxide and zinc oxide actually have an activating role in the curing of the coating compositions, they are employed as fillers in Caldwell et al. Thus, an ordinarily skilled artisan would not remove wetted and well dispersed fillers from the coating system in order to present them as a separate, dry, solid phase – which requires dispersion – because this might be detrimental to the structural properties of the coating compositions.

Nevertheless, in order to expedite prosecution of the present application, claim 1 herein has now been amended to recite that the powder phase comprises "a solid carrier material." The now-claimed presence of a carrier within the powder phase provides for a controlled distribution of the catalyzing compounds over the applied liquid phase of the coating system. The carrier compounds become part of the overall applied coating system and thus have a filling or structural function therein. Equally, the sprinkling of selected carrier compounds can also be used to impart localized, physical properties at the surface of the applied liquid phase (*e.g.*, roughness, *see* specification, page 16, lines 12-13) and can thereby optimize the coatings for their preferred use on surfaces which are subject to wear (*see* specification, page 17, lines 19-22).

In contrast to the presently claimed invention, Caldwell et al. does not disclose nor suggest the presence of both a catalyzing compound and a carrier for said compound within its aqueous coating systems. Thus, the subject matter of claim 1 as currently claimed cannot be derived in any manner from the combination of Caldwell et al. and Wicks.

In addition, Applicants submit that currently pending claim 1 would not be derived by an ordinarily skilled artisan from the teachings of Caldwell et al. and Wicks in view of Berg et al. Berg et al. may disclose the use of Tioxide TR92 as a form of titanium dioxide, but thereby, the combined teaching of Caldwell et al. and Berg et al. is an aqueous coating system in which Tioxide TR92 is used as a *filler*. There remains no reason or motivation for one of ordinary skill in the art to displace that wetted and dispersed filler and employ it as a separate dry, powder phase.

Furthermore, the coatings of Caldwell et al. are preferably applied to mineral boards which are to be used for thermal and acoustic insulation (*see* Caldwell et al., col. 1, lines 33-41; col. 4, lines 56-58; Examples 1-3). The reflective and radiation properties of the coatings are important for this use. As such, an ordinarily skilled artisan would not modify either the coating compositions or the coating methodology of Caldwell et al. in any manner which might introduce surface discontinuities to the applied coatings. It therefore follows that one of ordinary skill in the art would not remove wetted and dispersed $CaCO_3$, TiO_2 (or Tioxide) or ZnO from the components of Caldwell et al. in order to present those fillers as a separate dry, powdered phase of which the particulates – when dispersed – might penetrate through the films formed from the curing composition.

In regard to the Honnick disclosure, as noted in the Office Action, Honnick discloses aqueous coating compositions containing polymerizable components and a water incompatible catalyst adsorbed onto an inorganic particulate carrier, which may be silica (*see* Honnick, col. 5, lines 43-50). However, Honnick fails to teach or suggest the provision of that water incompatible catalyst as a separate part of a two phase system.

Honnick provides latex paints and "E" coat compositions (*see* Honnick, col. 7, lines 8-11; col. 8, lines 22-26). These paints and compositions are required to form coats which are smooth and free from surface defects (*see* Honnick, col. 10, lines 26-45; Tables 1 and 2 (col. 12-13)). As a consequence of this requirement, one of ordinary skill in the art would not modify either the coating compositions or the coating methodology of Honnick in any manner which might introduce surface discontinuities to the applied coatings. It therefore follows that one of ordinary skill in the art would not employ the catalyst/particulate carrier materials of Honnick as a separate dry, powdered phase because those particulates – when applied – might introduce unwanted roughness or abrasiveness into the films formed from the curing composition.

Thus, Applicants thereby submit that the two-phase coating system as presently claimed would not be taught nor suggested by the combination of Honnick and Wicks.

In regard to the Brindopke et al. disclosure, as noted in the Office Action, Brindopke et al. does not teach nor suggest that its catalysts may be provided as a separate, dry sprinklable powder phase. Furthermore, Brindopke et al. does not teach nor suggest that its catalysts may be employed in combination with a

carrier for said catalyst. As such, the combination of Brindopke et al. and Wicks does not teach, nor suggest, nor provide any reason for one of ordinary skill in the art to arrive at the presently claimed two-phase coating system.

Therefore, for at least the preceding reasons, it is respectfully submitted that the rejections of the claims under 35 U.S.C. § 103(a) have been overcome and should therefore be withdrawn.

IV. CONCLUSION

Applicants respectfully submit that the pending claims are in condition for allowance and request that such action be taken. If for any reason the Examiner believes that prosecution of this application would be advanced by contact with the Applicants' attorney, the Examiner is invited to contact the undersigned at the telephone number below.

Respectfully submitted,
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